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VIA CM/ECF

Hon. Chief Judge Colm F. Connolly
U.S. District Court for the District of Delaware
844 N. King Street
Wilmington, DE 19801

Re: ***Graco, Inc. v. Carlisle Construction Materials, LLC***
Case No. 1:21-cv-00245 (CFC)

Dear Chief Judge Connolly:

Pursuant to the Paragraph 13 of the Revised Scheduling Order (D.I. 61) the parties jointly submit this letter.

During the claim construction briefing process, and as reflected in the Amended Joint Claim Construction Chart, the parties reached agreement that the “the diameters” term should be afforded their plain and ordinary meaning, though the parties continue to dispute whether the plain and ordinary meaning of the term should be expressed as “each of the individual diameters,” as Graco proposes. Also during briefing, Graco amended its position as to the “connection block” term to reduce the scope of the parties’ dispute on that term. Finally, the Chart has been updated to remove claims that Graco disclaimed during the IPR process and to omit indefiniteness issues not addressed in the briefing.

On February 14, 2023, the following counsel met and conferred via telephone conference for approximately 15 minutes to “attempt to reach agreement on any disputed terms where possible and to narrow the issues related to the remaining disputed terms” as required by the Revised Scheduling Order:

- For Graco: Nitika Gupta Fiorella, Joseph Herriges, Conrad Gosen, and Sarah E. Jack of Fish & Richardson P.C. participated.
- For Carlisle: Anthony Raucci of Morris, Nichols, Arsh, & Tunnell LLP and Nathan Mammen, Nichole DeJulio, and Cole Tipton of Kirkland & Ellis LLP participated.

During the meet and confer, Graco offered a proposed compromise construction of the disputed “tangent” term, as follows: “the outer edges of the sidewalls of the admission passages are



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aligned with the outer edge of the mixing chamber.” Graco also wrote Carlisle on February 15 to memorialize that proposal. Carlisle responded on February 21 rejecting Graco’s proposal. In an effort to narrow the issues for the Court, Graco has amended its proposal for the “tangent” term to match its proposed compromise, as shown in the Amended Joint Claim Construction Chart. Carlisle contends that it has not had an opportunity to address Graco’s new construction in briefing and reserves all rights to respond to this new construction during the hearing.

Additionally, with respect to the “diameters” term, Carlisle proposed during the parties’ meet and confer that this term should not be construed, but if it is to be construed, that the well-accepted definition of “diameter” be given, *i.e.*, “the length of a straight line segment passing through the center of a figure, esp. of a circle or sphere, and terminating at the periphery,” as defined in Webster’s II New College dictionary. Graco rejected this proposal. Graco contends that construction of this term is still necessary to address the parties’ dispute, discussed in the briefing, as to whether the term “diameters” refers to the individual diameters of the admission passages (as Graco contends) or the sum of both admission passage diameters (as Carlisle previously contended). Because Carlisle’s new proposal does not address this dispute, Graco contends that construction is still necessary.

Respectfully,

/s/ *Nitika Gupta Fiorella*

Nitika Gupta Fiorella

NVG:trj

cc: Counsel of Record (via CM/ECF & email)